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there is just cause for judicial review. Therefore, I propose that it is the Congress responsibility to repeal title II, and I am introducing this measure to accomplish this purpose.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1872) to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950) introduced by Mr. INOUYE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

DISCLOSURE OF INFO

S. 1878, S. 1879, S. 1880, S. 1881, S. 1882, S. 1883, S. 1884, AND S. 1885—INTRODUCTION OF BILLS TO AMEND THE ATOMIC ENERGY ACT OF 1954

Mr. PASTORE. Mr. President, today I introduced, by request, six legislative proposals submitted to the Congress by the Atomic Energy Commission. Five of these bills would amend the Atomic Energy Act of 1954; a sixth would authorize appropriations to the AEC for fiscal year 1970.

The five AEC bills to amend the Atomic Energy Act were all submitted to the Congress early in this session in exactly their present form. However, because the new administration had not had an opportunity to review and approve them, I refrained from introducing these bills at the time of their submission. I am now informed that the new administration supports these measures. The five bills would amend the Atomic Energy Act of 1954 to accomplish the following:

Provide that life imprisonment shall be the maximum criminal penalty for certain offenses, and to increase the criminal penalties for unauthorized diversion of special nuclear material and other offenses;

Authorize the AEC to enter into agreements of indemnification for ocean transport of materials;

Modify the requirement for mandatory review by the Advisory Committee on Reactor Safeguards of certain facility license applications;

Eliminate the requirement for a finding of practical value and abolish the distinction between commercial and certain research and development licenses for facilities;

Authorize the imposition of civil monetary penalties.

The sixth AEC proposal—a bill to authorize appropriations to the Commission in fiscal year 1970—was also submitted earlier this session. Again, however, because the bill did not have the approval of the new administration, I refrained from introducing it. I am now informed that the bill, with certain amendments made by the new administration as a result of its budgetary review, has been approved for submission to Congress.

Finally, Mr. President, I am also introducing today two measures identical to bills which I introduced in the last session of Congress but on which no final action was taken. These bills are not being introduced by request; they represent my views and those of any others who have joined with me in cosponsoring the measures. One bill, which I have introduced for myself and Senators ANDERSON and BENNETT, would amend the Atomic Energy Act to authorize the AEC to make peaceful nuclear explosion services available on a commercial basis. A companion measure—H.R. 477—was introduced in the other body on January 3, 1969, under the joint sponsorship of Representatives HOSMER, HOLIFIELD, PRICE of Illinois, ASPINALL, YOUNG, BATES, ANDERSON of Illinois, and MCCULLOCH.

The other bill, which I have introduced on my own behalf, would amend the enforcement provisions of the Atomic Energy Act of 1954. Among other things, the bill would effect corrective amendments to certain penalty provisions of the Atomic Energy Act which are necessitated by last year's Supreme Court decision in United States against Jackson; increase the criminal penalties which may be imposed under the act for diversion of special nuclear materials; and confer on the AEC authority to impose civil penalties for certain violations of the act or regulations issued pursuant thereto. In the interest of time I will not elaborate on the purport of this legislation today, but do ask unanimous consent to have included at this point in the RECORD the explanatory statement which I made on the floor of the Senate on August 1, 1968, when I first introduced this measure.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 1878) to amend chapter 18 of the Atomic Energy Act of 1954, as amended, and for other purposes; introduced by Mr. PASTORE, (S. 1879) to amend the Atomic Energy Act of 1954, as amended, to provide that life imprisonment shall be the maximum criminal penalty for certain offenses, to increase the criminal penalties for unauthorized diversion of special nuclear material and related offenses, and for other purposes; (S. 1880) to amend section 170 of the Atomic Energy Act of 1954, as amended, and for other purposes; (S. 1881) to amend section 182 of the Atomic Energy Act of 1954, as amended, and for other purposes; (S. 1882) to amend chapter 18 of the Atomic Energy Act of 1954, as amended, and for other purposes; (S. 1883) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value and abolish the distinction between commercial licenses for facilities and certain research and development licenses for facilities and for other purposes; and (S. 1884) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, introduced by Mr. PASTORE, by request, and (S. 1885) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, introduced by Mr. PASTORE (for himself and other Senators), were received, read twice by their titles, and referred to the Joint Committee on Atomic Energy.

The material, presented by Mr. PASTORE, follows:

[From the CONGRESSIONAL RECORD, of Aug. 1, 1968 (daily edition), pp. S9932–S9933]

AMENDMENTS TO ENFORCEMENT PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954

Mr. PASTORE. Mr. President, today I introduced a bill to amend various sections of Chapter 18 of the Atomic Energy Act of 1954, as amended, the enforcement chapter of that Act. I believe it would be helpful if I briefly explained the principal purposes of the proposed legislation and why these amendments are being offered.

One major purpose of the bill is to correct shortcomings in Chapter 18 brought about by the U.S. Supreme Court's recent decision in *United States v. Jackson*, 36 L.W. 4277 (April 8, 1968). It was there held that the death penalty provision of the Federal Kidnapping Act is unconstitutional because in permitting imposition of the death penalty only upon defendants who assert their right to be tried by a jury, it discourages assertion of, and thereby imposes an impermissible burden upon the exercise of, a constitutional right.

This decision wuld appear to hold significant implications for, and raise very substantial questions about, somewhat similar provisions in sections 222, 224 a., 225 and 226 of the Atomic Energy Act of 1954. These sections provide that where there is a violation thereof with intent to injure the United States or to secure an advantage to a foreign nation, there may be imposed punishment by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both, or, upon the recommendation of a jury, life imprisonment or death.

These penalty provisions of the Atomic Energy Act and the death penalty provision of the Federal Kidnapping Act operate in the same manner; therefore, the effect of the *Jackson* decision on the former would appear to be similar to its effect on the latter. Indeed, in certain respects the decision has more far-reaching effects on the Atomic Energy Act inasmuch as both the life imprisonment penalty as well as the death penalty provided for therein are contingent upon a jury recommendation, whereas only the death penalty provision of the Federal Kidnappig Act was affected by the *Jackson* decision.

The bill which I have introduced would retain the life imprisonment penalty in the affected sections, but delete the capital punishment penalty and the requirement for a specific recommendation by the jury before the maximum penalty prescribed may be imposed upon an offender. As my colleagues are aware, the question of whether capital punishment for Federal crimes should be abolished by general legislation (S. 1760) is one that is now under active consideration within the Congress. However, I do not believe that necessary corrections to sections of the Atomic Energy Act dealing with penalties for offenses committed with intent to injure the United States or with intent to secure an advantage to a foreign nation should await enactment of this general legislation. Nor do I believe the legislative branch should continue to await the recommendations of the executive branch as to whether, and, if so, what amendments are necessary to effect corrections to sections of the Atomic Energy Act dealing, among other things, with the theft by foreign agents of highly sensitive atomic information. Therefore, I have introduced the minimum amendments required to give effect to the intent of Congress presently reflected in the sections of the Atomic Energy Act thrown into serious question by the *Jackson* decision, but at the same time striking therefrom the provision for capital punishment which has never been—and in all probability never would be—employed.

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A second principal purpose of my bill is to amend section 222 of the Atomic Energy Act of 1954 to increase the criminal penalties which could be imposed for unauthorized diversion of special nuclear material, and for certain related offenses. This material is the principal ingredient in nuclear and thermonuclear weapons. However, if a willful diversion of this material were committed by a person in this country under circumstances where the Government was unable to prove that the person charged specifically intended to injure the United States or to secure an advantage to any foreign nation, the maximum penalty which could be imposed under section 222 would be a fine of $10,000 and imprisonment for 5 years. Thus, a thief, a terrorist, an insurrectionist, or a criminal group might commit such a diversion and, in the absence of proof of the requisite intent, would be subject to a maximum penalty under section 222 of imprisonment for 5 years and a $10,000 fine. For example, if the diversion were made for financially rewarding criminal purposes rather than out of political motivation, or if the unlawful sale were to the agent of an undisclosed principal and the unidentified principal was a foreign nation, the specific intent to injure the United States or gain an advantage to a foreign power might well be lacking. Section 1 of my bill would amend section 222 to increase from five to ten years the maximum imprisonment for such willful violations of the section. No increase in the maximum fine appears necessary.

An Ad Hoc Advisory Panel on Safeguarding Special Nuclear Material appointed by the Atomic Energy Commission in 1967 pointed up the weakness of the Act in this regard and recommended that it be amended to increase the penalties for unauthorized diversion of such material. The Panel noted that the maximum penalties presently provided for . . . may not be a sufficient deterrent to illicit transactions involving materials valued in excess of millions of dollars. . . ." and observed, "The threat of detection and more severe criminal penalties should help deter organizations and individuals from attempting to divert materials to unauthorized uses." Moreover, increased maximum penalties for unauthorized diversion of these materials would make them more nearly comparable to those for crimes of similar gravity.

A third principal purpose of this proposed legislation is to confer on the Atomic Energy Commission authority to impose civil penalties in addition to the Commission's present authority to modify, suspend, or revoke a license for violations of AEC health and safety regulatory requirements. Specifically, the bill would authorize the AEC to impose civil fines of up to $2,500 for individual infractions, and not to exceed $7,500 for two or more violations occurring within a 30-day period, of certain sections of the Atomic Energy Act and rules, regulations, orders, or licenses issued thereunder. I understand that similar authority to impose civil penalties is possessed by the Federal Communications Commission the Federal Aviation Agency, the Department of Agriculture, and the Interstate Commerce Commission.

It is not my intent in introducing this legislation to in any way suggest that serious violations of the Act or of rules, regulations, orders or licenses issued thereunder are to be penalized by a mere fine. I particularly do not mean to suggest this where the violation is one involving health and safety matters. I do believe, however, that in some instances the revocation of a license or suspension thereof may be too harsh a penalty under the circumstances. Moreover, in certain cases a suspension may penalize the licensee's employees through loss of income without having any significant impact on the licensee itself. At the present time, the AEC in such cases essentially must choose between issuing a revocation or suspension order, on the one hand, or, on the other, issuing a cease and desist order which is little more than a direction to a licensee to refrain from doing whatever it was that the Commission found objectionable. Injunctions may also be obtained in appropriate cases, but here again the enforcement action may be out of all proportion to the infraction For these reasons the imposition of a fine may be the more appropriate enforcement action in some cases.

Conferring on the AEC authority to impose civil fines, while at the same time retaining the authority to impose more severe penalties either in lieu of or in addition to a civil fine, should afford the Commission ample flexibility to deal with infractions of varying severity. I believe the AEC should have such authority. I also believe the Commission wants such authority. When queried about the matter in 1967 the Commission indicated that it was then preparing proposed legislation along these general lines for submission to the Congress. Apparently due to the inevitable delays involved in the administrative review process no such legislative proposal has as yet been cleared for submission to the Congress by the executive branch. For this reason, and in view of the limited time remaining for congressional consideration of such legislation during this session of Congress, I have included language in section 4 of my bill designed to accomplish the intended purpose.

S. 1896—INTRODUCTION OF A BILL TO PROVIDE EYE, EAR AND DENTAL CARE UNDER MEDICARE PART B

Mr. HARTKE. Mr. President, I am introducing today on behalf of myself, Senator HART, Senator MOSS, Senator RANDOLPH, and Senator YOUNG of Ohio, a bill which would bring under the supplementary medical insurance program for the aged the areas of eye, hearing, and dental care. It will include the provision of eyeglasses, hearing aids, and dentures where they are needed, as well as the necessary attendant examinations and treatment of other conditions related to these. Under the supplementary medical insurance program for the aged, popularly known as part B of medicare, individuals are voluntarily enrolled for monthly premiums of $4 at present, matched by payments from the general treasury. For these sums, amounting to a premium of $48 per year paid by each covered individual, benefits provided cover, in the language of the law, "medical and other health services." These are defined explicitly in 11 numbered items under section 1861(s), and they include among other things the services of physicians, X-ray and laboratory tests, rental of wheelchairs and hospital beds, and so on.

But there are also some important exclusions to the items for which the separate trust fund for this program—the "Federal Supplementary Medical Insurance Trust Fund," to use the full name—will pay. Under "exclusions" are listed specifically three areas of health care of very considerable importance to the elderly. Indeed, these three areas of affliction are all, by testimony of the Public Health Service, more common in those over 65 than in any other age group. These are the areas of eye, hearing, and dental care. Yet, although their incidence is more frequent in the elderly, the elderly receive in proportion to these problems less care than other groups. The reason is plain—and it is the same reason which was pervasive when we adopted the part B program. That is simply that the costs are beyond the means of millions of those who are social security beneficiaries.

Let us look for a moment at the latest available statistics on the needs which my bill would care for. A February 1967 publication of the National Center for Health Statistics titled "Decayed, Missing, and Filled Teeth in Adults" reports data from the National Health Survey secured during the period 1960–62. Two factors appear to be at work here—age and income, and both of them work against the elderly.

Among those in the age range 25 to 44 the mean number of filled teeth is highest—averaging about eight per person. But for those over 65—and under 80—that average drops to about five. At the same time, the number of missing teeth increases from about eight to 19. These figures apply, of course, only to those in all ages who retain some of their own teeth. Another study in the same series, published October 1965, is perhaps even more significant. A survey of dental visits conducted during a 1-year period of 1963–64, shows that persons 25 to 44 go to the dentist more than twice as often as those over 65, even though it is apparent that the need is greater in the elderly. Part of the reason for less frequent visits, however, is that the elderly are most often those who have lost all their teeth—the survey estimates that 60 percent of those over 65 are in that category of the "edentulous." Many of these, and I am sure we all know some of them, are entirely without dentures and, because they can manage only soft foods, their general health is often impaired to some extent. Many others have a need for denture repairs or replacement of badly fitting dentures, but because of their income limitations go without seeing a dentist for these corrections.

That this is true is shown not only by the reduced number of dental visits among the elderly, but also by the much lower number of dental visits among the elderly, but also by the much lower number of dental visits by those with low incomes. For persons with family incomes of $7,000 per year the incidence of visits to the dentists is more than twice that of persons with family incomes below $4,00. There is no need, in view of the common knowledge we have acquired in recent years as to the income status of the elderly, to cite statistics on that

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